

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.830 OF 2017
(Arising out of S.L.P.(Crl.) No.288 of 2017)

Sekhar Biswas Appellant(s)

Versus

State of West Bengal and Another Respondent(s)

O R D E R

Leave granted.

The present appeal, by special leave, calls in question the legal propriety of the order dated 23rd November, 2016, passed by the learned Single Judge of the High Court of Calcutta, dismissing the criminal appeal preferred against the judgment and order dated 26th April, 2007 in Complaint Case No.583 of 2003, whereby the accused-appellant was convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.2,60,000/- with a default clause.

When the matter was listed on 28th March, 2017, the following order came to be passed:-

"In pursuance of the order passed by this Court, a sum of Rs.3,00,000/- (Rupees three lac only) has been deposited by the petitioner before the Registry of this Court. Let the said amount be handed over to the respondent No.2, Sujit Kumar Pal, on proper identification.

The petitioner shall deposit a further sum of Rs.2,00,000/- (Rupees two lac only) within four weeks hence. Be it noted, on payment of such amount, a settlement shall be recorded which will entail setting aside the impugned orders and quashing of the FIR relating to the cheques.

Let the matter be listed on 1.5.2017. The petitioner and the respondent No.2 shall remain personally present in Court on that date.

Interim order to continue till then."

In pursuance of the aforesaid order, the complainant-respondent No.2 and the accused-appellant are personally present. Learned counsel for the parties submit that as the amount has been deposited, the complainant-respondent No.2 may withdraw the same.

Regard being had to the concession given, we direct that the Registry shall release a sum of Rs.5,00,000/- (Rupees five lakhs only) in favour of the complainant-respondent No.2 on proper identification. As a compromise has been arrived at between the parties, the judgment of conviction and order of sentence is set aside and the judgment of acquittal passed by the trial Judge is restored. Additionally, the F.I.R. No.37 dated 3rd March, 2005, registered under Section 420 I.P.C. at Bizpur Police Station, filed by the respondent No.2-complainant, is also quashed.

The appeal is, accordingly disposed of.

.....J.
[Dipak Misra]

.....J.
[A.M. Khanwilkar]

.....J.
[Mohan M. Shantanagoudar]

New Delhi
May 01, 2017.

ITEM NO.2

COURT NO.2

SECTION IIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No.288/2017

(Arising out of impugned final judgment and order dated 23/11/2016 in CRA No. 625/2007 passed by the High Court of Calcutta)

SEKHAR BISWAS

Petitioner(s)

VERSUS

STATE OF WEST BENGAL AND ANR.

Respondent(s)

(With appln. (s) for permission to file additional documents and interim relief and office report)

Date : 01/05/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. R.K. Gupta, Adv.
Mr. B.P. Gupta, Adv.
Mr. A.K. Singh, Adv.
Mr. Shekhar Kumar, AOR

For Respondent(s) Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.

Mr. Chanchal Kumar Ganguli, AOR
Mr. Sankar Ch. Ghosh, Adv.
Mr. Narmada Singh, Adv.
Ms. Shika Aggarwal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master

(Signed order is placed on the file)